

Case No. 2:08-cv-02082-HGD

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official capacity, are due to be and hereby are DISMISSED for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and/or (iii). The City of Birmingham Police Department is DISMISSED as a defendant from this action.

Done this 16<sup>th</sup> day of January 2009.

  
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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
153671